



Reports to the Board of Supervisors COVER

Prepared by the Maricopa County Environmental Services Department



Meeting Date: February 26, 2014

Summary: The Report to the Board of Supervisors (BOS) for the following Enhanced Regulatory Outreach Program (EROP) case is attached.

Case #/Title: ES-2013-006/Confectionary Food Establishment

Stakeholder comments and the Maricopa County Environmental Services Department responses for input received after the Maricopa County Board of Health (BOH) meeting on October 28, 2013 are provided in an Addendum to this Report to the BOS.



Report to the Board of Supervisors

Prepared by the Maricopa County Environmental Services Department



Environmental Services
Department

Board of Health (BOH)

Meeting Date: October 28, 2013

Board of Supervisors

(BOS) Hearing Date: February 26, 2014

Case #/Title: ES-2013-006/Confectionary Food Establishment

Supervisor Districts: All Districts

Applicant: Maricopa County Environmental Services Department (MCESD)

Request: Approve the proposed revision to the Maricopa County Environmental Health Code (MCEHC) Chapter VIII to create a new permit and applicable plan review and annual permit fees of \$307.50 and \$155.00, respectively. This proposed revision will allow citizens of Maricopa County to prepare not potentially hazardous bakery and confectionary items for direct consumer sales and for wholesaling to other MCESD permitted food service establishments. The permit definition establishes these food items as an approved food source for sale by other MCESD permitted food establishments. This proposal lessens the burden of equipment/infrastructure requirements necessary to qualify for an MCESD permit for an owner that may have begun as a home business and has outgrown the home kitchen.

Support/Opposition: MCESD received comments from eight stakeholders via the Enhanced Regulatory Outreach Program (EROP) website: six expressed support, two opposed. The two opposing comments were received following the October BOH meeting and were for home kitchen fees, which do not pertain to this proposal; the Arizona Department of Health Services (ADHS) regulates home kitchen baked and confectionary goods (A.R.S. § 36-136), not the MCESD. The MCESD emailed and left phone messages for the two opposing stakeholders to clarify the proposal. Following efforts to clarify the ES-2013-006 case proposal, MCESD has not received a communication from either opposing stakeholder, except for an undeliverable notification from one email address.

Initial and follow-up stakeholder meetings were conducted on July 25, 2013 and August 6, 2013, respectively. The one stakeholder who attended the July 25, 2013 meeting supported the MCEHC proposal and the one who attended the August 6, 2013 meeting did not support or oppose the proposed revision.

MCESD

Recommendation: Approve

BOH

Recommendation: Approve per MCESD recommended language.

Executive Summary: This submittal was initiated per conversations with the Honorable John Kavanagh, State Representative District 23, whose constituent, registered with the ADHS pursuant to A.R.S. § 36-136 (baked and confectionary goods), wants to wholesale products to other MCESD permitted establishments.

Revise MCEHC Chapter VIII to create a new permit and applicable plan review and annual permit fees of \$307.50 and \$155.00, respectively, to allow citizens of Maricopa County to prepare bakery and confectionary items for direct sale to consumers and wholesale to other permitted food service establishments within Maricopa County. The permit definition establishes these food items as an approved food source for sale by other permitted food establishments in Maricopa County.

This proposed regulatory change is following the EROP policy and workflow process. In accordance with the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens", the County Manager authorized the MCESD to proceed with this case in June 2013. The County Manager also briefed the Board of Supervisors in June 2013.

MCESD complied with all statutory and county policies, including the EROP policy. Initial and follow-up stakeholder meetings were conducted on July 25, 2013 and August 6, 2013, respectively. Then on October 28, 2013, the MCESD presented a Staff Report for this case to the BOH at their public meeting during which the BOH voted to recommend that the BOS adopt the proposed revision to the MCEHC per the EROP expedited process.

MCESD received comments from eight stakeholders via the EROP website: six expressed support, two opposed. The two opposing comments were received following the October BOH meeting and were for home kitchen fees, which do not pertain to this proposal.

Presented by: John Kolman, R.S., MBA, Director

Attachments: Report to BOH (October 28, 2013) – (19 Pages)
Addendum to Report to BOS (stakeholder input/MCESD responses received post 10/28/2013 Report to BOH) – (23 Pages)



Report to the Board of Health To Approve For Expedited Process

Prepared by the Maricopa County Environmental Services Department



Environmental Services
Department

Case #/Title:	ES-2013-006/Confectionary Food Establishment
Meeting Date:	October 28, 2013
Supervisor Districts:	All Districts
Applicant:	Department
Request:	Approve the proposed revision to the Maricopa County Environmental Health Code (MCEHC), which creates a new permit (and applicable plan review and permit fees) to allow citizens of Maricopa County to prepare bakery and confectionary items for direct sale to consumers and wholesale to other permitted food service establishments within Maricopa County. The permit definition establishes these food items as an approved food source for sale by other permitted food establishments in Maricopa County.
Support/Opposition:	No comments in opposition have been received to date. Stakeholder meetings were conducted on July 25, 2013 and August 6, 2013. The one stakeholder who attended the July 25, 2013 meeting supported the MCEHC proposal and the one who attended the August 6, 2013 meeting did not support or oppose the revision. Also, one email expressing support was received via the Enhanced Regulatory Outreach Program (EROP) website.
Department Recommendation:	<p>Approve the request to process Case ES-2013-006 through the Expedited Program.</p> <p>Per the Enhanced Regulatory Outreach Program Policy, Section IV(E), the Expedited Process may only be used if the following criteria have been met:</p> <ol style="list-style-type: none">1. The proposed amendment has been subject to at least one Stakeholder Workshop (posted on the County's website at least two weeks in advance) and one Citizens' Board or Commission meeting;2. A draft of the regulatory change was available on the EROP website at least two weeks prior to the Citizens' Board or Commission meeting and was forwarded to the Board/Commission at least one week in advance of their review meeting;3. No comments of opposition to the amendment have been received from the public;

4. The Citizens' Board or Commission reviewing the amendment recommends approval.

ES-2013-006/Confectionary Food Establishment has met the criteria for the Expedited Process:

1. Two Stakeholder Workshops (July 25, 2013 and August 6, 2013) were held and announcements for both were posted on the County's website at least two weeks in advance;
2. A draft of the regulatory change was available on the EROP website at least two weeks prior to the Board of Health (BOH) meeting;
3. No comments of opposition to the MCEHC revision proposal have been received from the public;
4. The Department is requesting the BOH approve the Expedited Process.

Discussion:

This submittal was initiated per conversations with the Honorable John Kavanagh, State Representative District 23, whose constituent, registered with the Arizona Department of Health Services (ADHS) pursuant to A.R.S. § 36-136 (baked and confectionary goods), wants to wholesale products to other Department permitted establishments.

Revise MCEHC Chapter VIII to create a new permit (and applicable plan review and permit fees) to allow citizens of Maricopa County to prepare bakery and confectionary items for direct sale to consumers and wholesale to other permitted food service establishments within Maricopa County. The permit definition establishes these food items as an approved food source for sale by other permitted food establishments in Maricopa County.

This proposed regulatory change is following the EROP policy and workflow process.

In accordance with the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens", the County Manager authorized the Department to proceed with this case in June 2013. The County Manager also briefed the Board of Supervisors in June 2013.

Presented by: John Kolman, R.S., MBA, Director

Attachments:

County Manager Case Approval (1 Page)
Proposed MCEHC Revision Language (5 Pages)
Presentation – Stakeholder Meeting (7/25/13) – (2 Pages)
Minutes – Stakeholder Meeting (7/25/13) – (2 Pages)
Presentation – Stakeholder Meeting (8/6/13) – (2 Pages)
Minutes – Stakeholder Meeting (8/6/13) – (1 Page)
Other Stakeholder Input & Department Response (copies of written/electronic) (4 Pages)



Maricopa County

Environmental Services Department

John Kolman RS, MBA
Director
1001 N. Central Avenue #401
Phoenix, Arizona 85004
Phone: (602) 506-6623
Fax: (602) 506-5141
TDD 602 372-0622

Date: June 17, 2013

To: Tom Manos

Via: Joy Rich, AICP, Deputy County Manager

From: John Kolman, R.S., MBA, Director

Re: County Manager Approval – Proposed Changes to the Maricopa County
Environmental Health Code (MCEHC)

In accordance with the newly passed Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens," the Environmental Services Department (Department) is seeking your approval to initiate changes to the MCEHC via the Enhanced Regulatory Outreach Process (EROP).

The requested changes to the MCEHC qualify for County Manager Approval under the moratorium, as these changes are necessary to provide adequate service to our customers. We would refer to this new EROP case as ES-2013-006/Confectionary Food Establishment.

These requested changes to MCEHC Chapter VIII would create a new permit (and applicable plan review and permit fees) to allow citizens of Maricopa County to prepare bakery and confectionary items for direct sale to consumers and wholesale to other permitted food service establishments within Maricopa County. The permit definition would establish these food items as an approved food source for sale by other permitted food establishments in Maricopa County.

These revisions were initiated per conversations with the Honorable John Kavanagh, State Representative District 23, whose constituent, registered with the Arizona Department of Health Services (ADHS) pursuant to A.R.S. § 36-136 (baked and confectionary goods), wants to wholesale products to other businesses.

It is staff's opinion that this code revision and fee change are "necessary to provide adequate, timely, or required service." We are requesting your approval to move these proposed code revisions forward in accordance with the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens."

A handwritten signature in black ink, appearing to read "Tom Manos", written over a horizontal line.

Approved by Tom Manos, County Manager

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

**FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS**

SECTION 1

GENERAL PROVISIONS

REGULATION 1. Definitions

(1) to (18) No Change

(19) “CONFECTIONARY FOOD ESTABLISHMENT” MEANS ANY PLACE IN WHICH THE PROCESSES ARE CARRIED ON OF MIXING, COMPOUNDING, COOKING, BAKING, OR MANUFACTURING ANY NON-POTENTIALLY HAZARDOUS (NON-TIME/TEMPERATURE CONTROL FOR SAFETY) BAKERY PRODUCTS AND CONFECTIONARY ITEMS TO BE IMMEDIATELY SERVED ON THAT PREMISES, DIRECTLY TO A CONSUMER, AND/OR FOR RESALE OR REDISTRIBUTION BY A FOOD ESTABLISHMENT.

(19) <u>(20)</u>	No Change
(20) <u>(21)</u>	No Change
(21) <u>(22)</u>	No Change
(22) <u>(23)</u>	No Change
(23) <u>(24)</u>	No Change
(24) <u>(25)</u>	No Change
(25) <u>(26)</u>	No Change
(26) <u>(27)</u>	No Change
(27) <u>(28)</u>	No Change
(28) <u>(29)</u>	No Change
(29) <u>(30)</u>	“No Change

(30) <u>(31)</u>	No Change
(31) <u>(32)</u>	No Change
(32) <u>(33)</u>	No Change.
(33) <u>(34)</u>	No Change
(34) <u>(35)</u>	No Change
(35) <u>(36)</u>	No Change
(36) <u>(37)</u>	No Change
(37) <u>(38)</u>	No Change
(38) <u>(39)</u>	No Change.
(39) <u>(40)</u>	No Change
(40) <u>(41)</u>	No Change
(41) <u>(42)</u>	No Change
(42) <u>(43)</u>	No Change
(43) <u>(44)</u>	No Change
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(67) <u>(68)</u>	No Change
(68) <u>(69)</u>	No Change
(69) <u>(70)</u>	No Change
(70) <u>(71)</u>	No Change
(71) <u>(72)</u>	No Change
(72) <u>(73)</u>	No Change
(73) <u>(74)</u>	No Change

REGULATION 2. to REGULATION 11. No Change

MARICOPA COUNTY HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS

SECTION 6

FOOD RELATED FACILITIES

In addition to complying with the regulations in Section 1 and 2 of this Chapter, beverage plants, damaged and salvaged food establishments, bakeries, ice manufacturing plants, refrigerated warehouses and food catering establishments shall comply with the following regulations.

REGULATION 1. to REGULATION 8 No Change

REGULATION 9. CONFECTIONARY FOOD ESTABLISHMENT

- A. IN FACILITIES THAT DO NOT MEET §4-301.12 OF THE 2009 FDA FOOD CODE, WAREWASHING CAN BE ACCOMPLISHED USING ALTERNATIVE CLEANING AND SANITIZING PROCEDURES APPROVED BY THE DEPARTMENT. THE DEPARTMENT WILL EVALUATE THE TYPE/QUANTITY OF UTENSILS REQUIRED TO BE CLEANED, THE TYPE OF WAREWASHING EQUIPMENT AVAILABLE, AND THE CLEANING PROCEDURES DEVELOPED BY THE APPLICANT AS PART OF THE APPROVAL PROCESS.**
- B. THE DEPARTMENT MAY APPROVE THE USE OF NONCOMMERCIAL FOOD SERVICE EQUIPMENT IF IT CAN BE DEMONSTRATED THE EQUIPMENT CAN BE SUFFICIENTLY CLEANED AND SANITIZED AND CAN WITHSTAND THE INTENDED USE OF THE BUSINESS.**
- C. EMPLOYEES MUST HAVE ACCESS TO A HANDWASHING SINK WITHIN 25 FEET OF THE FOOD PRODUCTION AREA. EMPLOYEES CANNOT USE A WAREWASHING OR FOOD PREPARATION SINK FOR HAND WASHING.**
- D. FOOD PRODUCTION, FOOD STORAGE, AND EQUIPMENT STORAGE AREAS MUST CONTAIN CLEANABLE FINISHES AND BE IN GOOD REPAIR.**

E. EMPLOYEES MUST HAVE ACCESS TO A RESTROOM SUPPLIED WITH A WATER CLOSET, LAVATORY WITH HOT AND COLD WATER, AND SOAP AND PAPER TOWELS.

F. THE CONFECTIONARY FOOD ESTABLISHMENT PLAN REVIEW FEE IS HALF THE PLAN REVIEW FEE FOR THE “ALL OTHER FOOD ESTABLISHMENTS” CATEGORY, AND THE ANNUAL PERMIT FEE IS HALF THE “BAKERY” PERMIT FEE, BOTH OF WHICH ARE LISTED IN THE CHAPTER I FEE SCHEDULE OF THIS CODE.

WHEN THE DEPARTMENT HAS PREVIOUSLY PERMITTED THE LOCATION, HALF THE NEW PERMIT APPLICATION INSPECTION FEE LISTED IN THE CHAPTER I FEE SCHEDULE OF THIS CODE MAY APPLY IN LIEU OF HALF THE PLAN REVIEW FEE






Initial Stakeholder Meeting

Proposed Revisions
Maricopa County Environmental Health Code

ES-2013-006
Confectionary Food Establishment

Maricopa County Environmental Services Department
 July 25, 2013

Maricopa County Environmental Services Department

Working with our community
to ensure a safe and healthy environment

VISION STATEMENT:
 As the recognized regional environmental leader, we will develop and foster innovative environmental health protection programs for the safety of our residents and their environment.

MISSION STATEMENT:
 The mission of the Environmental Services Department is to provide safe food, water, waste disposal and vector borne disease reduction controls to the people of Maricopa County so that they may enjoy living in a healthy and safe community.




Building Relationships

MARICOPA COUNTY ENHANCED REGULATORY OUTREACH PROGRAM

Maricopa County has five regulatory departments that seek to ensure the safety and well-being of our community. Because we understand that regulations and rulemaking decisions, discussions, and meetings can be confusing, we developed the Enhanced Regulatory Outreach Program that allows citizens to easily monitor and engage in the adoption and amendment of all regulations.

5 Regulatory Departments

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<http://www.maricopa.gov/regulations/>

Follow the Regulatory Process




FOLLOW MARICOPA COUNTY'S REGULATORY ADOPTION PROCESS STEP-BY-STEP

- Step 1** County Manager Briefed Board of Supervisors
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- Step 4** Public Meeting to Initiate Regulatory Change
- Step 5** Specific Departmental Processes
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- Step 7** Public Meeting to Make Recommendation to Board of Supervisors
- Step 8** Schedule BOS Public Hearing
- Step 9** Board of Supervisor Public Hearing
- Step 10** Item Adopted




– BE INFORMED –

Sign up to receive notice from the five Maricopa County regulatory departments about new proposals, information and meetings:



<http://www.maricopa.gov/regulations/Notifications.aspx>

– PARTICIPATE –

Your comments are important! Feedback for every proposed regulation is compiled and presented to every voting body to help policymakers during the decision process.

Submit your comments by visiting:

<http://www.maricopa.gov/regulations/comments.aspx>

Chapter 8, Section 1 - Definition

REGULATION 1. Definitions

(1) to (18) No Change

(19) "CONFECTIONARY FOOD ESTABLISHMENT" MEANS ANY PLACE IN WHICH THE PROCESSES ARE CARRIED ON OF MIXING, COMPOUNDING, COOKING, BAKING, OR MANUFACTURING ANY NON-POTENTIALLY HAZARDOUS (NON-TIME/TEMPERATURE CONTROL FOR SAFETY) BAKERY PRODUCTS AND CONFECTIONARY ITEMS TO BE IMMEDIATELY SERVED ON THAT PREMISES, DIRECTLY TO A CONSUMER, AND/OR FOR RESALE OR REDISTRIBUTION BY A FOOD ESTABLISHMENT.



Chapter 8, Section 6, Regulation 9



REGULATION 9. CONFECTIONARY FOOD ESTABLISHMENT

A. IN FACILITIES THAT DO NOT CONTAIN A 3 COMPARTMENT SINK, WAREWASHING CAN BE ACCOMPLISHED USING ALTERNATIVE CLEANING AND SANITIZING PROCEDURES APPROVED BY THE DEPARTMENT. THE DEPARTMENT WILL EVALUATE THE TYPE/QUANTITY OF UTENSILS REQUIRED TO BE CLEANED, THE TYPE OF WAREWASHING EQUIPMENT AVAILABLE, AND THE CLEANING PROCEDURES DEVELOPED BY THE APPLICANT AS PART OF THE APPROVAL PROCESS.



Chapter 8, Section 6, Regulation 9



REGULATION 9. CONFECTIONARY FOOD ESTABLISHMENT

B. THE DEPARTMENT MAY APPROVE THE USE OF NONCOMMERCIAL FOOD SERVICE EQUIPMENT IF IT CAN BE DEMONSTRATED THE EQUIPMENT CAN BE SUFFICIENTLY CLEANED AND SANITIZED AND CAN WITHSTAND THE INTENDED USE OF THE BUSINESS.

C. EMPLOYEES MUST HAVE ACCESS TO A HANDWASHING SINK WITHIN 25 FEET OF THE FOOD PRODUCTION AREA. EMPLOYEES CANNOT USE A WAREWASHING OR FOOD PREPARATION SINK FOR HAND WASHING.



Chapter 8, Section 6, Regulation 9



REGULATION 9. CONFECTIONARY FOOD ESTABLISHMENT

D. FOOD PRODUCTION, FOOD STORAGE, AND EQUIPMENT STORAGE AREAS MUST CONTAIN CLEANABLE FINISHES AND BE IN GOOD REPAIR.

E. EMPLOYEES MUST HAVE ACCESS TO A RESTROOM SUPPLIED WITH A WATER CLOSET, LAVATORY WITH HOT AND COLD WATER, AND SOAP AND PAPER TOWELS.

F. THE CONFECTIONARY FOOD ESTABLISHMENT PLAN REVIEW FEE IS HALF THE PLAN REVIEW FEE FOR THE "ALL OTHER FOOD ESTABLISHMENTS" CATEGORY, AND THE ANNUAL PERMIT FEE IS HALF THE "BAKERY" PERMIT FEE, BOTH OF WHICH ARE LISTED IN THE CHAPTER I FEE SCHEDULE OF THIS CODE.



**Thank you for your participation.
We welcome your questions
and comments.**

<http://www.maricopa.gov/regulations/>

Caroline Oppeleman, M.S.P.H., R.S.
Robert Stratman, M.S., R.S., CPM
Maricopa County Environmental Services Department
1001 N. Central Ave.
Phoenix, AZ 85004



Environmental Services Department



Stakeholder Meeting ES-2013-006 Confectionary Food Establishment Thursday July 25, 2013

Stakeholders Present: Sam Webb – Iss’s Magic Mixes

Staff Present: Robert Stratman – Environmental Health Operations Supervisor, Caroline Oppleman – Quality & Compliance Management Analyst, Ken Conklin – Quality & Compliance Division Manager, Andrew Linton – Environmental Health Division Manager, Bryan Hare – Environmental Health Operations Supervisor, Amanda Griffin – Environmental Health Supervisor, Lene Pope – Quality & Compliance Development Service Technician.

Presenter(s): Caroline Oppleman, Robert Stratman.

Minutes*:

The stakeholder present was not familiar with the Enhanced Regulatory Outreach Process (EROP), so Ms. Oppleman explained the step by step process and encouraged the stakeholder to sign up to receive further notices.

Mr. Stratman gave a little background information on the state law regarding home baked goods and how this proposal is not to interfere with state program, but it would add another opportunity. This new permit would allow; non-potentially hazardous food (non-PHF) items prepared in a permitted facility to be sold to a Maricopa County permitted facility for the purpose of being re-sold. This permit is very similar to the “bakery permit” that we currently have. The major difference is that this new permit specifically says that it is non-PHF food items. This aligns with how the states program is written. A normal bakery permit has 2 inspections per year; we are proposing that this new permit only has 1 inspection per year, so naturally we are anticipating that the permit fee will be half of the bakery permit fee. The plan review fee would be \$307.50 for a one-time cost and the annual fee would be \$150. When applications are submitted each will be evaluated individually as each case is different.

- Where do you issue these permits to?
 - The primary thought would still be that this would be issued outside the home, like a church kitchen or a club house for example. We would look at all locations that would be “secure” to a food service area. A place that wouldn’t be considered would be an apartment club house/common kitchen area. Such a place is not considered “secure”, since everybody has access to it. But if there is a separate room that could be controlled during hours of operation, we could look into that. A residence would have to have a separate space to make the food for resale. We wouldn’t allow cooking in the same space where family meals are prepared.
- It appears that several of the small business operations are gearing up for this. This law has helped provide a great opportunity for a lot of people, and has the potential of growing fast.
 - That’s what we are hoping that this new permit will add another opportunity for people to grow even more.



- The Stakeholder thinks that this will be a good thing, and hopefully this type of permit will make it easier for some people. Some vendors need to have more oversight and be inspected, there are a lot of vendors operating under the state law that would benefit from being regulated.
 - This new permit is just another option for people, it will not be required if you are just selling directly to consumer, only if you will be selling to an establishment that is permitted by Maricopa County. By obtaining a permit from us, your status would be “approved source”, and you could sell your product to any permitted facility. You wouldn’t need the permit if you just wanted to sell your product in a non-food establishment.
- Would the labeling requirements change with this new permit?
 - Yes, that is correct. You would now be considered an approved source.
- We are thinking of renting the kitchen of a banquet hall where the kitchen has not been used and it is sealed off from the rest of the hall. Would that be allowed, and would you pay the plan review fee for that?
 - If that facility has ever had a permit from Maricopa County and has gone through plan review, then you wouldn’t have to pay the plan review fee. It would most likely be something like a new owner fee then, around \$157.50. If the space never had a permit, then it would be the plan review fee.
- Besides the fees, what is the difference between this type of permit and a regular baking permit?
 - The main difference is that with this new type of permit you would only be licensed to sell non-PHF foods, whereas a regular baking permit allows you to sell perishable foods like cream puffs and cheese cakes etc.
- It seems that this type of permit would be enhancing the state program.
 - That’s what we are hoping.
- Suggestion on perhaps establishing some sort of volunteer board of advisory. There are a lot of smart people out at the farmers markets etc. that could provide help to others. Maybe ask the people on the ground how this new regulation will affect them and what they think about it, then any concerns would be put to rest right up front.
 - We do have a second stakeholder meeting scheduled for August 6th, so if the word could be spread about this, that would be very helpful. We want to get as many people to the meetings as possible, that way we could move forward more quickly with the process, but we need to establish whether there is any opposition or support for this, which could then change the speed of which it moves through the process.

Ms. Oppleman stated that currently we have two different paths that this case can take; we can go the expedited way if all we receive is support and the case would be reviewed by the Board of Health in October and possibly be adopted by the Board of Supervisors in January. If at some point in this process we receive opposition to this case it could slow down the process, and nothing would occur until later next year.

The stakeholder present believes that there would be a lot of support for this new permit.

Meeting adjourned.

*In order for the minutes to be relevant; only those questions and comments that were applicable to the topic presented were recorded. All other questions and comments not relevant to the topic were addressed either at the time of the meeting or shortly thereafter.






Follow-up Stakeholder Meeting

**Proposed Revisions
Maricopa County Environmental Health Code**

**ES-2013-006
Confectionary Food Establishment**

**Maricopa County Environmental Services Department
August 6, 2013**





Maricopa County Environmental Services Department

**Working with our community
to ensure a safe and healthy environment**

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Chapter 8, Section 1 - Definition

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**Chapter 8, Section 6, Regulation 9****REGULATION 9. CONFECTIONARY FOOD ESTABLISHMENT**

A. IN FACILITIES THAT DO NOT CONTAIN A 3 COMPARTMENT SINK, WAREWASHING CAN BE ACCOMPLISHED USING ALTERNATIVE CLEANING AND SANITIZING PROCEDURES APPROVED BY THE DEPARTMENT. THE DEPARTMENT WILL EVALUATE THE TYPE/QUANTITY OF UTENSILS REQUIRED TO BE CLEANED, THE TYPE OF WAREWASHING EQUIPMENT AVAILABLE, AND THE CLEANING PROCEDURES DEVELOPED BY THE APPLICANT AS PART OF THE APPROVAL PROCESS.

**Chapter 8, Section 6, Regulation 9****REGULATION 9. CONFECTIONARY FOOD ESTABLISHMENT**

B. THE DEPARTMENT MAY APPROVE THE USE OF NONCOMMERCIAL FOOD SERVICE EQUIPMENT IF IT CAN BE DEMONSTRATED THE EQUIPMENT CAN BE SUFFICIENTLY CLEANED AND SANITIZED AND CAN WITHSTAND THE INTENDED USE OF THE BUSINESS.

C. EMPLOYEES MUST HAVE ACCESS TO A HANDWASHING SINK WITHIN 25 FEET OF THE FOOD PRODUCTION AREA. EMPLOYEES CANNOT USE A WAREWASHING OR FOOD PREPARATION SINK FOR HAND WASHING.

**Chapter 8, Section 6, Regulation 9****REGULATION 9. CONFECTIONARY FOOD ESTABLISHMENT**

D. FOOD PRODUCTION, FOOD STORAGE, AND EQUIPMENT STORAGE AREAS MUST CONTAIN CLEANABLE FINISHES AND BE IN GOOD REPAIR.

E. EMPLOYEES MUST HAVE ACCESS TO A RESTROOM SUPPLIED WITH A WATER CLOSET, LAVATORY WITH HOT AND COLD WATER, AND SOAP AND PAPER TOWELS.

**Chapter 8, Section 6, Regulation 9****REGULATION 9. CONFECTIONARY FOOD ESTABLISHMENT**

F. THE CONFECTIONARY FOOD ESTABLISHMENT PLAN REVIEW FEE IS HALF THE PLAN REVIEW FEE FOR THE "ALL OTHER FOOD ESTABLISHMENTS" CATEGORY, AND THE ANNUAL PERMIT FEE IS HALF THE "BAKERY" PERMIT FEE, BOTH OF WHICH ARE LISTED IN THE CHAPTER I FEE SCHEDULE OF THIS CODE.

WHEN THE DEPARTMENT HAS PREVIOUSLY PERMITTED THE LOCATION, HALF THE NEW PERMIT APPLICATION INSPECTION FEE LISTED IN THE CHAPTER I FEE SCHEDULE OF THIS CODE MAY APPLY IN LIEU OF HALF THE PLAN REVIEW FEE.



**Thank you for your participation.
We welcome your questions
and comments.**

<http://www.maricopa.gov/regulations/>



Joan Minichiello, R.S.
Robert Stratman, M.S., R.S., CPM
Maricopa County Environmental Services Department
1001 N. Central Ave.
Phoenix, AZ 85004



Environmental Services Department



Follow-up Stakeholder Meeting ES-2013-006 Confectionary Food Establishment Tuesday August 6, 2013

Stakeholders Present: Norm Barnett – Frys Food

Staff Present: Steven Goode – Deputy Director, Robert Stratman – Environmental Health Operation Supervisor, Caroline Oppleman – Environmental Health Management Analyst, Andrew Linton – Environmental Health Division Manager, Bryan Hare – Environmental Health Operation Supervisor, Joan Minichiello – Quality & Compliance Management Analyst, Lene Pope – Quality & Compliance Development Service Technician.

Presenter(s): Joan Minichiello, Robert Stratman.

Minutes*:

The stakeholder present was familiar with the Enhanced Regulatory Outreach Process (EROP), and he also has a general knowledge of the state law regarding home baked goods.

Mr. Stratman explained briefly how this permit will run adjacently to the state program and is not intended to interfere with it, but rather offer another opportunity for vendors to sell their goods to a permitted establishment. By offering this type of permit, the vendor then becomes an approved source.

- So the confectionary food establishment can be the manufacture processor not the retailer?
 - That is correct. They will not be able to use their own kitchen; it has to be kept separate from their family kitchen, but could be in their home. The ideal solution would be a commercial space where the baker has simply outgrown their home kitchen and would like to expand.

The fee for this is being defined in the code as half of the bakery permit fee. They will be considered a class 1 and have 1 inspection per year.

- The stakeholder offered support for this new permit, but do not foresee anyone approaching his company about selling items. But this certainly opens up a new avenue and we could potentially accept items like this in the future.
 - This is meant to be a stepping stone and open up some more doors for people.
- Is this meeting in the beginning face of the process?
 - Yes, it still needs to get approved by the Board of Health and the Board of Supervisors before being adopted.
- The stakeholder has no other input or opposition, he just wanted to find out about the details of the permit and how it could impact his business. He supports this case moving forward.

Meeting adjourned.

*In order for the minutes to be relevant; only those questions and comments that were applicable to the topic presented were recorded. All other questions and comments not relevant to the topic were addressed either at the time of the meeting or shortly thereafter.

From: [judy kubinski](#)
To: [EROP Stakeholders](#)
Subject: RE: Response/ES-2013-006/Confectionary Food Establishment
Date: Tuesday, July 16, 2013 3:31:48 PM
Attachments: [image001.png](#)

thank you for such a quick reply. i understand a bit better. of course the food handling rules should not be altered. i'll continue to watch and if i get confused again, i'll ask.

Life's Short, eat chocolate!

judy kubinski
Goodies Galore
azchocolatelady@gmail.com

Life's short.....eat CHOCOLATE!!!

From: participate@mail.maricopa.gov
To: azchocolatelady@gmail.com
CC: SuzanneGray@mail.maricopa.gov
Date: Tue, 16 Jul 2013 14:29:18 -0700
Subject: Response/ES-2013-006/Confectionary Food Establishment

Dear Ms. Kubinski,

Thank you for expressing your support for this case. The scope of this case is to offer a permitting option for businesses registered under the Home Baked Goods and Confectionary program. This new permitting option will identify food products manufactured in these kitchens as an approved source when sold in other permitted businesses within Maricopa County.

Proposed regulations will lessen the burden of equipment/infrastructural requirements when qualifying for a permit. However, all other operational food safety regulations found in the Maricopa County Environmental Health Code still will apply.

Once again, we appreciate your support of this case and our Department's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

We welcome further input at our ES-2013-006/Confectionary Food Establishment Stakeholder Meetings:

Thursday, July 25, 2013 at 10:00 am ([initial](#))

Tuesday, August 6, 2013 at 2:00 pm ([follow-up](#))

Maricopa County Environmental Services Department

[1001 N. Central Avenue](#), 5th Floor Conference Room – Classroom
Phoenix, AZ 85004

as well as via the [Enhanced Regulatory Outreach Program](#) website.

Regards,

Permitting Services

Maricopa County Environmental Services Department

esd.maricopa.gov | maricopa.gov/regulations/es



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From: Suzanne Gray - PLANDEVX
Sent: Tuesday, July 16, 2013 11:55 AM
To: Caroline Oppleman - ENVX
Subject: FW: Regulatory Outreach

Below is a comment submitted via the EROP site.

From: azchocolatelady@gmail.com [<mailto:azchocolatelady@gmail.com>]
Sent: Tuesday, July 16, 2013 11:39 AM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: judy kubinski
Organization: registered with the arizona dept of health services in the home baked and confectionary goods preparer
City: fountain hills
Zip: 85268
Phone Number: 480-837-1162
Phone Type: home
Email: azchocolatelady@gmail.com

Does citizen want to be contacted: yes

Comment is regarding: express support

Comments:

hello,my last check on the number of registered participants was 2150 people. i'm unaware of how many of those are actually making a business "happen". i, and a few others that have contacted me [i have no access to contact all participants] are ready to expand out of our home kitchens. the original purpose of the existing cottage food law was to enable us to operate a home kitchen business and not have to go into debt to equip a commercial kitchen. the new license classification was my request to representative kavanagh, and was eventually put into contact with mr bohan. the idea is to be able to

equip an offsite kitchen as a "clone" to a home kitchen and eliminate some of the rules required for a commercial kitchen. for instance, the ability to equip a new space with home use appliances, no triple bay sink [we don't have them in our home] floor drains and more. having established a following for my goods at our farmers market and more and the inability to retail out of my home, makes moving into a space to produce and sell my baked goods and chocolates sensible. the opportunity but not the requirement [extremely important to be optional] to go offsite will work for some but not others. certainly a new license should not change the existing state law in this matter. my opinion if others object and say why to less restrictions is that we are restricted to not potentially hazardous foods while a fully licensed commercial kitchen can/many do, prepare hazardous food and earn a lot more income. respectfully,

Time of Request: 7/16/2013 11:39:22 AM



Report to the Board of Supervisors ADDENDUM

Prepared by the Maricopa County Environmental Services Department



Meeting Date: February 26, 2014

Case #/Title: ES-2013-006/Confectionary Food Establishment

Stakeholder comments and Maricopa County Environmental Services Department responses for input received after the Maricopa County Board of Health meeting on October 28, 2013 are attached.

From: [Joan Minichiello - ENVX](#) on behalf of [EROP Stakeholders](#)
To: chareynolds@msn.com
Cc: [Suzanne Gray - PLANDEVX](#)
Subject: FW: Regulatory Outreach
Date: Monday, November 18, 2013 1:17:22 PM
Attachments: [image001.png](#)

Dear Ms. Reynolds,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program case ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment.

We appreciate your participation in the Maricopa County Environmental Services Department's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Environmental Health Division

Maricopa County Environmental Services Department
1001 N. Central Avenue, Phoenix, AZ 85004

esd.maricopa.gov | maricopa.gov/regulations/es



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From: chareynolds@msn.com [<mailto:chareynolds@msn.com>]
Sent: Monday, November 18, 2013 9:42 AM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Charlene Reynolds
Organization:
City: Peoria
Zip: 85382
Phone Number: 623-566-6540
Phone Type: mobile
Email: chareynolds@msn.com

Does citizen want to be contacted: no

Comment is regarding: express support

Comments:

I would like to support this change, the ability to provide certain home-baked goods for sale during this economy as been of great benefit to me and my family. Thank you for allowing me to expand my

growing business.

Time of Request: 11/18/2013 9:42:28 AM

From: [EROP Stakeholders](#)
To: anita@skullvalleylavender.com
Cc: [Suzanne Gray - PLANDEVX](#)
Subject: Response/ES-2013-006 - Revisions to Maricopa County Environmental Health Code - Chapter VIII, Confectionary Food Establishment
Date: Friday, November 15, 2013 8:06:02 AM
Attachments: [image001.png](#)

Dear Ms. Scheelings,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) –Chapter 8, Confectionary Food Establishment via the [EROP](#) website.

We welcome further input as the EROP process continues and appreciate your participation in our efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Environmental Health Division

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From: Suzanne Gray - PLANDEVX
Sent: Friday, November 15, 2013 7:26 AM
To: Caroline Oppleman - ENVX; Hether Krause - ENVX
Subject: FW: Regulatory Outreach

From: anita@skullvalleylavender.com [<mailto:anita@skullvalleylavender.com>]
Sent: Thursday, November 14, 2013 3:26 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Anita Scheelings
Organization: Skull Valley Lavender Farm
City: Skull Valley
Zip: 86338
Phone Number: 9284423817
Phone Type: home
Email: anita@skullvalleylavender.com

Does citizen want to be contacted: no

Comment is regarding: express support

Comments:

I support the amendment to be able to sell home confectionaries and baked goods to approved commercial establishments.

Time of Request: 11/14/2013 3:26:04 PM

The Department sent a Case ES-2013-006 response to Ms. Colenburg at sweetestindulgene@yahoo.com and the email was returned undeliverable. In addition, the Department left a voice message on the phone number provided by Ms. Colenburg. The Department has not received any communication from Ms. Colenburg following efforts to clarify the Case ES-006-2013 proposal.

Response undeliverable.

From: Mail Delivery System [<mailto:MAILER-DAEMON@extmail2.maricopa.gov>]
Sent: Friday, November 01, 2013 2:59 PM
To: Caroline Oppleman - ENVX
Subject: Undeliverable: Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Delivery has failed to these recipients or distribution lists:

sweetestindulgene@yahoo.com

An error occurred while trying to deliver this message to the recipient's e-mail address. Microsoft Exchange will not try to redeliver this message for you. Please try resending this message, or provide the following diagnostic text to your system administrator.

The following organization rejected your message: [98.138.112.34].

From: Caroline Oppleman - ENVX
Sent: Friday, November 01, 2013 2:59 PM
To: sweetestindulgene@yahoo.com
Cc: Suzanne Gray - PLANDEVX
Subject: Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Dear Ms. Colenburg,

We are writing to follow up on the voicemail we left for you earlier today at the telephone number you entered with your comment submittal.

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, Confectionary Food Establishment via the [EROP](#) website. We appreciate your input on this case and MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Businesses operating under the Arizona Department of Health Services Home Baked and Confectionary Goods Program are exempt from Maricopa County Environmental Services Department (MCESD) permitting requirements.

The new permitting option proposed in case ES-2013-006 will allow businesses that have expanded beyond the home kitchen, which only produce not potentially hazardous baked or confectionary goods, to sell their baked and confectionary goods to other MCESD permitted businesses. Therefore, these proposed regulations will lessen the burden of equipment/infrastructure

requirements when qualifying for an MCESD permit. However, all other operational food safety regulations found in the MCEHC still will apply.

After reviewing this clarification, do you support proposed case ES-2013-006 – Revisions to MCEHC – Chapter 8, Confectionary Food Establishment?

Thank you in advance for your prompt reply.

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Maricopa County Environmental Services Department

1001 N. Central Avenue, Phoenix, AZ 85004

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From: sweetestindulgene@yahoo.com [<mailto:sweetestindulgene@yahoo.com>]

Sent: Thursday, October 31, 2013 9:42 AM

To: Regulatory

Subject: Regulatory Outreach

Citizen Comments

Issue: ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Lakenya Colenburg
Organization: Sweetest Indulgence Cakes & Dess
City: Surprise
Zip: 85388
Phone Number: 6233125461
Phone Type: mobile
Email: sweetestindulgene@yahoo.com

Does citizen want to be contacted: no

Comment is regarding: express opposition

Comments:

Why should home based business have to pay fees, just because we are a home establishment. We do not make nearly the amount of money a store front makes, yet they do not pay fee for their licences. I do not agree with the fees, we are a home based business for a reason, we cannot cover the over head of a business, stay at home mom and dads need extra income just to make it to the next month, and it difficult to obtain capital for a start-up business. Please reconsider.

Time of Request: 10/31/2013 9:42:01 AM

Kim Crapps' comment for Case ES-006-2013 was entered into the Enhanced Regulatory Outreach Program (EROP) website on 10/30/2013 and the Department received notice of the comment on 10/31/2013. On 11/1/13, the Department's response was sent, which included an explanation and a request for Ms. Crapps to restate her support/opposition after reading the clarification. The Department offered to discuss the case on 11/5/2013, via email and a Cakes for Causes phone (520-303-7893) message. Per the Cakes for Causes website, <http://www.cakesforcauses.org/contact-us/>, Ms. Crapps is listed as a baker. The Department has not received any communication from Ms. Crapps following efforts to clarify the Case ES-006-2013 proposal.

From: EROP Stakeholders

Sent: Friday, November 01, 2013 2:49 PM

To: kimazx3@yahoo.com

Cc: Suzanne Gray - PLANDEVX

Subject: Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Dear Ms. Crapps,

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, Confectionary Food Establishment via the [EROP](#) website. We appreciate your input on this case and MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Businesses operating under the Arizona Department of Health Services Home Baked and Confectionary Goods Program are exempt from Maricopa County Environmental Services Department (MCESD) permitting requirements.

The new permitting option proposed in case ES-2013-006 will allow businesses that have expanded beyond the home kitchen, which only produce not potentially hazardous baked or confectionary goods, to sell their baked and confectionary goods to other MCESD permitted businesses. Therefore, these proposed regulations will lessen the burden of equipment/infrastructure requirements when qualifying for an MCESD permit. However, all other operational food safety regulations found in the MCEHC still will apply.

After reviewing this clarification, do you support proposed case ES-2013-006 – Revisions to MCEHC – Chapter 8, Confectionary Food Establishment?

Thank you in advance for your prompt reply.

Environmental Health Division

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From: kimazx3@yahoo.com [<mailto:kimazx3@yahoo.com>]

Sent: Wednesday, October 30, 2013 5:17 PM

To: Regulatory

Subject: Regulatory Outreach

Citizen Comments

Issue: ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Kim Crapps

Organization:

City: Gilbert

Zip:

Phone Number:

Phone Type:

Email: kimazx3@yahoo.com

Does citizen want to be contacted: yes

Comment is regarding: express opposition

Comments:

After reading the latest update on this matter, I wonder why it is now that they are wanting to impose a fee for cottage food bakers to be able to sell confectionary goods to the public? We've been doing it for over 2 years and now we have to pay a fee to do so? Why? What is it for? What will the fees be used for? What is a permit for? I would appreciate a reply. Thank you for your time. Kim Crapps

Time of Request: 10/30/2013 5:16:37 PM

From: [Hether Krause - ENVX](#) on behalf of [EROP Stakeholders](#)
To: rcunningham202003@yahoo.com
Cc: [Suzanne Gray - PLANDEVX](#)
Subject: Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment
Date: Friday, November 01, 2013 9:42:47 AM
Attachments: [image001.png](#)

Dear Ricky Cunningham,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) –Chapter 8, Confectionary Food Establishment via the [EROP](#) website.

We welcome further input as the EROP process continues and appreciate your participation in our efforts to develop regulations that serve our community and ensure a safe and healthy environment.

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Environmental Services
Department

From: rcunningham202003@yahoo.com [<mailto:rcunningham202003@yahoo.com>]

Sent: Thursday, October 31, 2013 8:59 AM

To: Regulatory

Subject: Regulatory Outreach

Citizen Comments

Issue: ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: ricky cunningham

Organization:

City: mesa

Zip: 85207

Phone Number: 480-981-0204

Phone Type: home

Email: rcunningham202003@yahoo.com

Does citizen want to be contacted: no

Comment is regarding: express support

Comments:

I have always loved the idea of making food that others can enjoy. The issue is that when everyday people have a great recipe it takes so much just to bring it to the market. In most cases after months,

sometimes even years they still are not able to compete with large corporations with millions of dollars to spend. Due to that fact these companies can corner the market and just offer anything they like. There is no thought given to higher quality food, better prices, or even the impact to the local environment to produce their goods. By leveling the field for local small business minded people we create more competition, keep more of the money spent here in our local economy and create jobs in the state all at the same time. People can take pride that products that they make here goes to support originations and the areas they live and raise their families in. By allowing people who are willing to follow the rules and do things the right way the right to sell their goods you empower them to take control of their situations. They work hard, pay taxes, and have more pride in themselves and where they live.

Time of Request: 10/31/2013 8:59:06 AM

From: [Hether Krause - ENVX](#) on behalf of [EROP Stakeholders](#)
To: suezanetti@gmail.com
Cc: [Suzanne Gray - PLANDEVX](#)
Subject: Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment
Date: Friday, November 01, 2013 9:39:22 AM
Attachments: [image001.png](#)

Dear Ms. Zanetti,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) –Chapter 8, Confectionary Food Establishment via the [EROP](#) website.

We welcome further input as the EROP process continues and appreciate your participation in our efforts to develop regulations that serve our community and ensure a safe and healthy environment.

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From: suezanetti@gmail.com [<mailto:suezanetti@gmail.com>]
Sent: Thursday, October 31, 2013 9:51 AM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Sue Zanetti
Organization:
City: Chandler
Zip: 85225
Phone Number: 480-917-7331
Phone Type: home
Email: suezanetti@gmail.com

Does citizen want to be contacted: yes

Comment is regarding: express support

Comments:

As I will be divorced soon after 28 years of marriage, I am thrilled to think that I can start a small business doing what I love - baking. Please make this rule of law happen. Thank you.

Time of Request: 10/31/2013 9:50:54 AM

From: [EROP Stakeholders](#)
To: Sherrye@SherryesKitchen.com
Cc: [Suzanne Gray - PLANDEVX](#)
Subject: Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment
Date: Monday, November 04, 2013 12:30:27 PM
Attachments: [image001.png](#)

Dear Ms. Chapin,

Thank you for registering your supportive comment regarding Maricopa County Enhanced Regulatory Outreach Program case ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment.

We appreciate your participation in the Maricopa County Environmental Services Department's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Environmental Health Division

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From: Sherrye@SherryesKitchen.com [mailto:Sherrye@SherryesKitchen.com]
Sent: Monday, November 04, 2013 10:51 AM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Sherrye Chapin
Organization: Sherrye's Kitchen LLC
City: Phoenix
Zip: 85041
Phone Number: 480-518-7776
Phone Type: mobile
Email: Sherrye@SherryesKitchen.com

Does citizen want to be contacted: no

Comment is regarding: express support

Comments:

After a conversation with Ken Conklin I now understand the purpose of this new proposed law & am in complete support of it's passage. This would allow those of us registered under the HBCG program a

means of growing our businesses to a commercial site without the current regulations & requirements of a full bakery or restaurant permit & the associated costs. Many small businesses fail when making that leap due to the costs involved. This provision would allow for growth without being burdensome.

Time of Request: 11/4/2013 10:51:06 AM

From: [EROP Stakeholders](#)
To: [Sherrye Chapin](#)
Subject: RE: Response/ES-2013-006 - Revisions to Maricopa County Environmental Health Code - Chapter 8, Confectionary Food Establishment
Date: Friday, November 01, 2013 3:53:12 PM
Attachments: [image001.png](#)

Dear Ms. Chapin,

Thank you for your reply. We will plan on contacting you Monday.

Best regards,

Environmental Health
Maricopa County Environmental Services Department
esd.maricopa.gov | maricopa.gov/regulations/es



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From: Sherrye Chapin [mailto:sherrye@gmail.com]
Sent: Friday, November 01, 2013 3:45 PM
To: EROP Stakeholders
Subject: Re: Response/ES-2013-006 - Revisions to Maricopa County Environmental Health Code - Chapter 8, Confectionary Food Establishment

Anytime Monday between 9 & 4 would be great. Other days I am in the kitchen baking in the mornings, But most afternoons I am available.

Thank you

Sherrye

On Fri, Nov 1, 2013 at 3:37 PM, EROP Stakeholders <participate@mail.maricopa.gov> wrote:

Dear Ms. Chapin,

We would welcome a conversation to provide further clarification based on your specific circumstances. We want to ensure your questions are addressed and alleviate confusion. Please let us know if we may contact you during business hours next week at the number you provided with your comment submittal, [480-518-7776](tel:480-518-7776).

Thank you.

Environmental Health Division
Maricopa County Environmental Services Department
esd.maricopa.gov | maricopa.gov/regulations/es



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From: Sherrye Chapin [mailto:sherrye@gmail.com]

Sent: Friday, November 01, 2013 3:01 PM

To: EROP Stakeholders

Subject: Re: Response/ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

I guess I am more confused than ever. So, can I, at the present, sell my non-hazardous product which is produced at home to stores & restaurants in Maricopa County? Also, I am not understanding what you mean by "moved beyond their home kitchen". Wouldn't that mean a commercial kitchen? I guess I do not fully understand what this provision is trying to do and would appreciate it if someone could put it into easy not understand language. This is very confusing!

Thank you.

Sherrye Chapin

On Fri, Nov 1, 2013 at 2:51 PM, EROP Stakeholders <participate@mail.maricopa.gov> wrote:

Dear Ms. Chapin,

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter 8, Confectionary Food Establishment via the [EROP](#) website. We appreciate your input on this case and MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Businesses operating under the Arizona Department of Health Services Home Baked and

Confectionary Goods Program are exempt from Maricopa County Environmental Services Department (MCESD) permitting requirements.

The new permitting option proposed in case ES-2013-006 will allow businesses that have expanded beyond the home kitchen, which only produce not potentially hazardous baked or confectionary goods, to sell their baked and confectionary goods to other MCESD permitted businesses. Therefore, these proposed regulations will lessen the burden of equipment/infrastructure requirements when qualifying for an MCESD permit. However, all other operational food safety regulations found in the MCEHC still will apply.

After reviewing this clarification, do you support proposed case ES-2013-006 – Revisions to MCEHC – Chapter 8, Confectionary Food Establishment?

Thank you in advance for your prompt reply.

Environmental Health Division

Maricopa County Environmental Services Department
1001 N. Central Avenue, Phoenix, AZ 85004
esd.maricopa.gov | maricopa.gov/regulations/es



Working with our community
to ensure a safe and healthy environment



From: Sherrye@gmail.com [<mailto:Sherrye@gmail.com>]
Sent: Thursday, October 31, 2013 7:30 AM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Sherrye Chapin
Organization: Sherrye's Kitchen LLC
City: Phoenix
Zip: 85041
Phone Number: [480-518-7776](tel:480-518-7776)
Phone Type: mobile
Email: Sherrye@gmail.com

Does citizen want to be contacted: no

Comment is regarding: express opposition

Comments:

I am registered with the state under the HBCG program. As a micro-business owner this new proposal that requires additional permits & reviews would cause new hardships to trying to turn a profit for my business. I have a medical condition that makes working out of my home extremely difficult. I started

this business after being out of my corporate job on disability and having my position eliminated while out. At the time, I had to have a catering permit & a commercial kitchen to bake my brownies. When the HBCG law was passed it was a game changer for me. I no longer had to pay for commercial kitchen use but more than that, I didn't have to worry about sharing time with the chef that owned the kitchen. I could now really begin to grow my business by allowing me access to my ovens around the clock during my busy holiday seasons. I am finally in a position where I can look at turning a profit. To install another layer of fees & regulations in order to stay in business is a huge step back for me. Maricopa County should be supporting the current HBCG program to encourage micro-businesses to thrive. When we are able to do that our sales tax contributions grow, the need to hire workers grow & the economy grows. To put burdens on such businesses is ultimately not good for anyone. Thank you for your time.

Time of Request: 10/31/2013 7:29:31 AM

From: [Hether Krause - ENVX](#) on behalf of [EROP Stakeholders](#)
To: azchocolatelady@gmail.com
Cc: [Suzanne Gray - PLANDEVX](#)
Subject: Response/ES-2013-006/Confectionary Food Establishment
Date: Friday, September 27, 2013 2:14:06 PM
Attachments: [image001.png](#)

Dear Ms. Kubinski,

Thank you for registering your comment regarding Maricopa County Enhanced Regulatory Outreach Program (EROP) Case ES-2013-006 – Revisions to Maricopa County Environmental Health Code (MCEHC) Chapter VIII, Confectionary Food Establishment via the [EROP](#) website.

We understand your concern about minimizing expenses; Maricopa County Environmental Services Department (MCESD) evaluates the proposed code language in relation to its impact on both the business and public health. In this instance, the public health area of concern is employee hygiene through effective hand washing. Both the United States Food & Drug Administration (FDA), as well as the Centers for Disease Control (CDC) identify personal hygiene as one of the most effective means of preventing foodborne illness. Both contaminated food and food equipment caused by employees have been confirmed sources of foodborne outbreaks. To minimize this occurrence, staff must have access to effective hand washing equipment while also preventing contamination of both food and food contact surfaces while washing their hands. This is accomplished through an effective managerial control plan and a facility that can support that plan. Successful implementation of a plan is accomplished through a dedicated handsink located in areas readily accessible to employees but also not immediately adjacent to food storage, food preparation, or food equipment areas.

Hand washing regulations, similar to the proposed language in ES-2013-006, have been part of the MCEHC for more than three years. These regulations exist for all food service establishments that handle and serve open food, and would include establishments obtaining the proposed Confectionary Food Establishment permit.

We hope you find this information helpful and thank you for registering your comments. We appreciate your participation in MCESD's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

Environmental Health Division

Maricopa County Environmental Services Department
1001 N. Central Avenue, Phoenix, AZ 85004
esd.maricopa.gov | maricopa.gov/regulations/es



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From: Suzanne Gray - PLANDEVX
Sent: Thursday, September 26, 2013 10:09 AM
To: Hether Krause - ENVX; Joan Minichiello - ENVX; Caroline Oppleman - ENVX
Subject: FW: Regulatory Outreach

Below is a comment from the EROP site.

From: azchocolatelady@gmail.com [<mailto:azchocolatelady@gmail.com>]
Sent: Thursday, September 26, 2013 8:49 AM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: judy kubinski
Organization: self
City: fountain hills
Zip: 85268
Phone Number: 4808371162
Phone Type:
Email: azchocolatelady@gmail.com

Does citizen want to be contacted: yes

Comment is regarding: other

Comments:

email response please. ES-2013-006 & 009. I have read the mock up for the new confectionery license and wish to comment. the stipulation of a hand washing sink 25 feet from the prep area or even the need for one seems unnecessary. please ask home food preparers among you or your food preparers at home where they wash their hand before and during food prep? i doubt many or actually any home kitchen has a separate hand washing sink. our kitchen sinks are empty until it's time to clean up. my kitchen sink has a built in soap dispenser so i can wash my hands when needed. you seem to be implying our hands are so dirty they will contaminate the dirty dishes. please reconsider this unnecessary expense. respectfully.....

Time of Request: 9/26/2013 8:49:29 AM

From: [judy kubinski](#)
To: [EROP Stakeholders](#)
Subject: RE: Response: ES-2013-006/Confectionary Food Establishment
Date: Wednesday, August 21, 2013 4:55:37 PM
Attachments: [image002.png](#)
Importance: High

thank you, i appreciate the information and look forward to reviewing it.

From: participate@mail.maricopa.gov
To: azchocolatelady@gmail.com
CC: SuzanneGray@mail.maricopa.gov
Date: Wed, 21 Aug 2013 16:41:03 -0700
Subject: Response: ES-2013-006/Confectionary Food Establishment

Dear Ms. Kubinski,

The specific proposed code revision language for case ES-2013-006/Confectionary Food Establishment will be posted to the [Enhanced Regulatory Outreach Program](#) website for stakeholder review and input as part of the Report to the Board of Health (10/28/13) on or about October 16, 2013. An accompanying notice also will be sent to people who have signed up to receive notifications about new case information on the EROP website.

If you have not done so already, we encourage you to sign up to receive notifications about new EROP case information by visiting: <http://www.maricopa.gov/regulations/Notifications.aspx>.

We hope you find this information helpful and thank you for registering your comments. We appreciate your input in our efforts to develop regulations that serve our community and ensure a safe and healthy environment.

Please let us know if you have further questions.

Regards,

Permitting Services
Maricopa County Environmental Services Department
esd.maricopa.gov | maricopa.gov/regulations/es



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From: Suzanne Gray - PLANDEVX
Sent: Wednesday, August 21, 2013 12:28 PM
To: Caroline Oppleman - ENVX
Subject: FW: Regulatory Outreach

Here's a new comment from the Regulations site.

From: azchocolatelady@gmail.com [<mailto:azchocolatelady@gmail.com>]
Sent: Wednesday, August 21, 2013 12:02 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: judy kubinski
Organization: goodies galore
City: fountain hills
Zip: 85268
Phone Number: 480-837-1162
Phone Type: home
Email: azchocolatelady@gmail.com

Does citizen want to be contacted: yes

Comment is regarding: other

Comments:

I have a question for which i find no answer concerning ES- 2013-006. is there or will there be a place to read the actual text of the proposal? what i read online seems inaccurate as we certified bakers already have the ability to wholesale our goods per the arizona state law. also, i believe i read "somewhere" an amendment was added but no mention to the substance of that amendent. i can't understand how anyone can fully support or object without being able to read the final draft. this new license classification seems it should be a win win for many. as a disabled woman unable to drive to downtown phoenix and attend meetings, i rely on reading important information online. please respond by email, thank you.

Time of Request: 8/21/2013 12:02:24 PM

From: [EROP Stakeholders](#)
To: ["kubinskiclan@hotmail.com"](mailto:kubinskiclan@hotmail.com)
Cc: [Suzanne Gray - PLANDEVX](#)
Subject: FW: Response: ES-2013-006/Confectionary Food Establishment
Date: Friday, August 02, 2013 1:08:00 PM
Attachments: [image001.png](#)

Dear Ms. Kubinski,

Thank you for registering your supportive comments via the [Enhanced Regulatory Outreach Program](#). We appreciate your support of this case and our Department's efforts to develop regulations that serve our community and ensure a safe and healthy environment.

We welcome further input at our follow-up ES-2013-006/Confectionary Food Establishment stakeholder meeting:

Tuesday, August 6, 2013 at 2:00 pm ([follow-up](#))
Maricopa County Environmental Services Department
[1001 N. Central Avenue](#), 5th Floor Conference Room – Classroom
Phoenix, AZ 85004

Regards,

Permitting Services

Maricopa County Environmental Services Department

esd.maricopa.gov | maricopa.gov/regulations/es



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From: Caroline Oppleman - ENVX
Sent: Friday, August 02, 2013 9:25 AM
To: EROP Stakeholders
Subject: FW: Regulatory Outreach

From: Suzanne Gray - PLANDEVX
Sent: Friday, August 02, 2013 9:14 AM
To: Caroline Oppleman - ENVX
Subject: FW: Regulatory Outreach

Below is a message from Judy Kubinski. I've been in contact with her about her submittal because she said she received an error message when trying to enter her comment. She sent me her info and I entered what she provided me.

I told her staff may email her re: her comments.

From: kubinskidan@hotmail.com [<mailto:kubinskidan@hotmail.com>]
Sent: Friday, August 02, 2013 9:12 AM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: ES-2013-006 – Revisions to Maricopa County Environmental Health Code – Chapter 8, Confectionary Food Establishment

Citizen's Name: Judy Kubinski
Organization: Goodies Galore
City: Fountain Hills
Zip:
Phone Number:
Phone Type:
Email: kubinskidan@hotmail.com

Does citizen want to be contacted: no

Comment is regarding: express support

Comments:

the creation of this license will benefit many, the state will receive revenue, utility companies and our vendors will have increased sales because more production & storage for ingredients, packaging, etc equals ability to produce more products. landlords will fill empty spaces and customers will have access to a retail location. the ability now available to use our home kitchens has been a blessing for many of us. some, not all, are ready to expand. some cannot move from home kitchen due to family restrictions etc. we are not asking to increase what our limited products are, just to be able to do it outside of our home kitchens. many years ago before my stroke caused my food processing kitchen to be closed i had all the necessary equipment and the license. we all know that fully equipped kitchens are quite costly and to be able to set up a home style kitchen elsewhere, most helpful. of course i have not had contact with all of the 2000+ registered people but some have asked me how we can change the rules a bit. i believe this to be a win, win situation. to those that have the "regular" commercial kitchens and say, not fair, i say your license includes production of hazardous foods, mine does not. you have the advantage to make more income.....give us little guys a chance to grow.

Time of Request: 8/2/2013 9:11:29 AM